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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 JONATHAN LEE RICHES,

9 Plaintiff,

10 v.

11 JEFFREY DAHMER, et al.,

12 Defendants.

) No. C 07-5572 MJJ (PR)

) **ORDER OF DISMISSAL**

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14 Plaintiff, a federal prisoner proceeding pro se, filed this pro se complaint against  
15 Jeffrey Dahmer, Charles Manson and “Dr. Blood’s Orgy of Organs Mansfield Ohio.”

16 A federal court must conduct a preliminary screening in any case in which a prisoner seeks  
17 redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. §  
18 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that  
19 are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary  
20 relief from a defendant who is immune from such relief. See id. § 1915A(b)(1),(2). Pro se pleadings  
21 must, however, be liberally construed. See Balistreri v. Pacifica Police Dep’t, 901 F.2d 696, 699  
22 (9th Cir. 1988). To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential  
23 elements: (1) that a right secured by the Constitution or laws of the United States was violated, and  
24 (2) that the alleged violation was committed by a person acting under the color of state law. See  
25 West v. Atkins, 487 U.S. 42, 48 (1988).

26 Sections 1915A and 1915(e)(2) accord judges the unusual power to pierce the veil of  
27 the complaint's factual allegations and dismiss as frivolous those claims whose factual

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1 contentions are clearly baseless. See Denton v. Hernandez, 504 U.S. 25, 32 (1992).  
2 Examples are claims describing fantastic or delusional scenarios with which federal district  
3 judges are all too familiar. See Neitzke v. Williams, 490 U.S. 319, 328 (1989). To pierce the  
4 veil of the complaint's factual allegations means that a court is not bound, as it usually is  
5 when making a determination based solely on the pleadings, to accept without question the  
6 truth of the plaintiff's allegations. See Denton, 504 U.S. at 32. A finding of factual  
7 frivolousness is appropriate when the facts alleged rise to the level of the irrational or the  
8 wholly incredible, whether or not there are judicially noticeable facts available to contradict  
9 them. See id. at 32-33.


10 Plaintiff alleges defendants are in "a vast conspiracy with Halloween officials and  
11 trick or treaters" to take his blood and organs and "feast on them." He alleges Charles  
12 Manson "wants to eat my liver for his last meal," and that "Dr. Blood's Orgy of Organs in  
13 Mansfield Ohio is a company hired by the Jeff Dahmer estate" to come to plaintiff's prison  
14 and steal his organs. Plaintiff seeks an order from this Court "to stop the theft of my organs  
15 and to suspend Dr. Blood's cadaver licence." As plaintiff's allegations are clearly baseless,  
16 irrational or wholly incredible, the complaint will be dismissed as frivolous under sections  
17 1915A and 1915(e)(2).

18 For the foregoing reasons, this action is DISMISSED.

19 The Clerk shall close the file.

20 IT IS SO ORDERED.

21 DATED: 11/28/07

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MARTIN J. JENKINS  
United States District Judge